

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:  
  
BMS SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS COUNSEL AND BMS' JOINT MOTION FOR ENTRY OF AN ORDER  
GRANTING FINAL APPROVAL OF THE CLASS 2 AND CLASS 3 COMPONENTS OF  
BMS SETTLEMENT**

Class Counsel and Defendant Bristol Myers Squibb ("BMS") (collectively "the Parties"), by their undersigned counsel, jointly move this Court for entry of an order granting final approval of the Class 2 and Class 3 components of the BMS Settlement ("Settlement"). In support of this Motion Class Plaintiffs have filed an accompanying Memorandum of Law, the Declaration of Katherine Kinsella and the Declaration of Eric Miller.

DATED: November 12, 2010

By /s/ Steve W. Berman  
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**CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE**

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on November 12, 2010, I caused copies of **CLASS COUNSEL AND BMS' JOINT MOTION FOR ENTRY OF AN ORDER GRANTING FINAL APPROVAL OF THE CLASS 2 AND CLASS 3 COMPONENTS OF BMS SETTLEMENT** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

**/s/ Steve W. Berman**

Steve W. Berman